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9 Specially Appearing for Defendants VENETIAN  
CASINO RESORT, LLC; LAS VEGAS SANDS, LLC,  
10 and LAS VEGAS SANDS CORP.

11  
12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14  
15 JONATHAN BROWNING, INC., a California  
corporation,

16 Plaintiff,

17 v.

18 VENETIAN CASINO RESORT, LLC, a Nevada  
19 limited liability company; LAS VEGAS SANDS,  
LLC, a Nevada limited liability company; LAS  
20 VEGAS SANDS CORP., a Nevada corporation; and  
DOES 1 through 100, inclusive,

21 Defendant.  
22  
23

Case No.: C 07-3983 JSW

**AMENDED NOTICE OF MOTION  
AND MOTION TO DISMISS**

**Date:** November 9, 2007

**Time:** 9:00 am

**Complaint Filed:** August 2, 2007

**Judge:** Jeffrey S. White

**Courtroom:** 2, 17th floor

24 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

25 NOTICE IS HEREBY GIVEN that on November 9, 2007, at 9:00 a.m., or as soon thereafter  
26 as the matter may be heard by the above-captioned Court located at 450 Golden Gate Ave., San  
27 Francisco, CA 94102 in the Courtroom of the Honorable Jeffrey S. White, defendants Venetian  
28 Casino Resort, LLC, Las Vegas Sands LLC, and Las Vegas Sands Corp. (Defendants”) will and

1 hereby do move this Court for an Order Granting Defendants' Motion to Dismiss under Federal  
2 Rules of Civil Procedure Rule 12(b)(1) for lack of subject matter jurisdiction; Federal Rules of Civil  
3 Procedure Rule 12(b)(2) for lack of personal jurisdiction; Federal Rules of Civil Procedure Rule  
4 12(b)(3) and 28 U.S.C. § 1406(a) for improper venue or, alternatively, an Order transferring venue to  
5 the District Court of Nevada under 28 U.S.C. § 1404(a); and Federal Rules of Civil Procedure Rule  
6 12(b)(6) for failure to state a claim.

7 Pursuant to Rule 12 of the Federal Rules of Civil Procedure, by and through its undersigned  
8 counsel, Duane Morris, LLP, Defendants hereby move this Court for an Order dismissing the  
9 Complaint in its entirety and make the following findings: (1) the Court lacks subject matter  
10 jurisdiction because the plaintiff, Jonathan Browning, Inc. ("Plaintiff") failed to meet the  
11 jurisdictional prerequisites required to institute an infringement action under 17 U.S.C. § 411; (2) the  
12 Court lacks personal jurisdiction over defendant Venetian Casino Resort LLC; (3) the Court lacks  
13 personal jurisdiction over defendant Las Vegas Sands LLC; (4) the Court lacks personal jurisdiction  
14 over defendant Las Vegas Sands Corp.; (5) venue in the Northern District of California is improper  
15 under 28 U.S.C. § 1400 and 28 U.S.C. § 1391 or, alternatively, venue should be transferred to the  
16 U.S. District Court, District of Nevada, for the convenience of the parties, witnesses and in the  
17 interest of justice; (6) the Complaint fails to state a claim against defendant Las Vegas Sands LLC;  
18 (7) the Complaint fails to state a claim against defendant Las Vegas Sands Corp.; (8) the Complaint  
19 fails to state a cognizable legal claim for breach of quasi-contract, implied-in-fact contract, or  
20 implied-in-law contract; and (9) Plaintiff's state law claims for unjust enrichment, breach of implied-  
21 in-fact contract, or breach of implied-in-law contract are preempted by the Copyright Act.

22 This Motion is based on the Memorandum of Points and Authorities attached hereto, the  
23 Declaration of Michelle A. Hon, the Declaration of Franklin H. Levy, the records and papers on file

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1 with this action, and upon such other further oral and documentary evidence as may be presented at  
2 the time of the hearing on the Motion.

3  
4 Dated: September 17, 2007

**DUANE MORRIS LLP**

5 By: /s/ Michelle A. Hon

6 Ray L. Wong

7 Michelle Hon

8 Specially Appearing for Defendants VENETIAN  
9 CASINO RESORT LLC; LAS VEGAS SANDS LLC,  
10 and LAS VEGAS SANDS CORP.  
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